

# Huge Reduction Made In Water Rates

## Public Utility Commission Has Report

### NEW RATES GO INTO EFFECT MAY TENTH AND REDUCTION VIRTUALLY CUTS THE OLD RATES IN HALF

Huge reductions in the rates of the water company of Tonopah have been ordered by the public utility commission. The commission rendered a report Monday and copies of the ruling were received in this city yesterday.

Prominent among the reductions in the order establishing minimum monthly charges from \$1.50 to \$2.50 according to the size of the house wherein water is supplied, and also according to the quantity used, a minimum supply having also been fixed. The new rates are to go into effect by May 10, 1913.

The opinion and order, as rendered by Chairman Bartine of the commission follows:

At the opening of the hearing the respondent company made oral answer, denying all the averments contained in the citation. The hearing took place in the town of Tonopah, Nevada.

The writer of this opinion was not present at the hearing, which was conducted by First Associate Commissioner Shaughnessy and Second Associate Commissioner Simons. Consequently, the chief commissioner's view of the case is based entirely upon evidence adduced at the hearing, coupled with the sworn reports of the respondent company on file and of record in the office of the commission.

At the hearing it was claimed by the respondent company that it had no franchise and the claim was not disputed. This, in our judgment, is immaterial for the purposes of the case in hand. The water company is clearly a public utility, and while it may not have what is technically known as a franchise, it has what is very much better, a practical monopoly of the water supply available for use in the town of Tonopah. The right to regulate a public utility does not depend upon whether it has a franchise. If it is a public utility that settles the question and makes it subject to just and reasonable regulation by a commission lawfully authorized. The fact that the town authorities might prohibit the company from laying its pipes through the streets, cuts no figure in this case. There is not the slightest probability, so far as the evidence discloses, of anything of the kind being done. The conditions are such that it will be impossible for the town of Tonopah to dispense with the water service. If at any time such contingency should arise, of course a new question will be presented. We can only deal with the conditions as they now exist, and, as we regard it, there can be no question that the water company is a public utility and fully under the jurisdiction of the public service commission of this state.

This case presents three distinct phases: First—The question of fire protection; second—the matter of discrimination; and third—the reasonableness of the rates charged.

With respect to the question of fire protection, the commission is constrained to say that the evidence offered was not sufficiently clear, or so full and satisfying as to justify an order at this time that the respondent company furnish additional facilities, including higher pressure for fire purposes.

The commission feels, therefore, that no order should be made at this time with respect to the construction of an additional reservoir for fire-fighting purposes, but that this phase of the case should be left open for further investigation and determination. This course will, accordingly, be pursued.

#### Discrimination.

Upon the subject of discrimination there was little or no definite testimony given at the hearing. It appears that some of the patrons of the respondent company are charged more and others less, but there was no explanation of why it was so. The records of this office, however, that is to say, the schedules of the respondent company, show marked and apparently inexcusable differentiations in the charges, which are clearly discriminatory. But in view of the conclusions reached by the commission it is not necessary to deal specifically with those discriminations at this time, because it is believed that they will be in a large

measure removed by the order to be made in this case. Later on, should it appear that there are individual cases of discrimination, the party or parties suffering therefrom, will upon complaint made, have a full hearing at the hands of the commission with reference to such alleged discriminations.

#### Reasonable Rates.

The question of the reasonableness of rates charged to commercial and business houses and to private residences is, under the showing as thus far made, the striking and important feature of the case. The testimony given at the hearing, coupled with the schedules filed by the respondent company, clearly indicate that, measured by any fair standard, the rates charged by the respondent company in the town of Tonopah, are not only excessive, but largely so. We have searched the records of this office in vain for any schedule of charges as high as those now in effect within the town of Tonopah under similar conditions. The present rates are, in fact, so disproportionately high that, to bring them down to what appears to be reasonable seems like a tremendous cut. However, we are forced to the conclusion that the rates as set forth in the schedule annexed to the order in this case, will not only yield the respondent company a very substantial return upon the value of the property employed in the service, but at the same time be entirely reasonable and fair when determined by any standard known in the regulation of rates to be charged by public utilities.

The schedule of rates prescribed by the order to be made herein is by no means based entirely upon the fact that it will yield to the company a fair return upon the value of the property. We have considered it in every light and have taken into consideration all the elements which enter into the determination of what may be considered reasonable rates. We have considered the value of the property employed, according to our best intelligence, and in line with the principles adopted by courts and commissions. We have credited to the defendant a valuation that we believe is enough to cover the entire property used in the performance of the service now under review. We have allowed an ample percentage for depreciation, in view of the claims and contentions that Tonopah, being a mining camp, has not the same assurance of long life as a city or town that is located in the midst of a rich agricultural section. We have not felt justified in accepting the estimates of some of the witnesses that the town will not last more than 10 years. As has been well stated by the supreme court of the United States, in the case of Wilcox against the Consolidated Gas company, in 212 U. S., such estimates can never be taken at their face value because of the uncertainties involved. In this case the testimony tending to show that Tonopah will probably be a short-lived town, is not supported by anything authentic in the way of data; nor, do we see how it can be. It is obvious that, as a mining district, Tonopah was never in better condition than it is now. The zone of values has been constantly extended, and, by the simple exercise of their intelligence, the members of this commission can not fail to see that this extension is more likely to continue than are the proved mineral values to shut off abruptly. The members of the commission, being personally familiar with the conditions existing in the Tonopah district, are quite as capable of forming their own opinion with regard to the probable future of the camp, as are any of the witnesses who gave testimony at the hearing. As we view it, any testimony given in the case to the effect that the town has not more than ten years to live, is pure guess work, and we do not feel that we are bound to accept such testimony as in any way conclusive. We cannot see any more reason for believing that the area of mineral values has reached the limit, than we can for believing that such area may extend several miles further in various directions.

Still upon the basis of the known fact strenuously claimed in this case,

that the tendency of all mining districts is to exhaust, we have carried into the expense account of the company an item of 5 per cent for the depreciation of the value of the actual tangible property which is susceptible of depreciation, which, by the customary rules of calculation, will reproduce the entire property upon any fair basis of calculation in about fifteen years.

An order will be entered in conformity with these views.

#### Order.

Pursuant to the foregoing opinion, on this fifth day of April, A. D., 1913, at a regular session of the Public Service commission of Nevada, it is hereby ordered that on or before the tenth day of May, A. D., 1913, the Water Company of Tonopah publish and put into effect the schedule of rates following, to-wit:

From 1000 to 2000 gallons, \$3.25 per 1000 gallons.  
From 2000 to 3000 gallons, \$3.00 per 1000 gallons.  
From 3000 to 5000 gallons, \$2.75 per 1000 gallons.  
From 5000 to 7500 gallons, \$2.50 per 1000 gallons.  
From 7500 to 10,000 gallons, \$2.25 per 1000 gallons.  
From 10,000 to 12,500 gallons, \$2.00 per 1000 gallons.  
From 12,500 to 15,000 gallons, \$1.75 per 1000 gallons.  
All over 15,000 gallons \$1.50 per 1000 gallons.

The charge for any quantity in a given classification shall not exceed the charge that would accrue for the minimum quantity at the next lower rate.

It is further ordered: That water shall be furnished to hospitals at rates not exceeding \$1.50 per 1000 gallons.

It is further ordered: That water shall be furnished for street sprinkling and volunteer fire service at rates not exceeding \$1.00 per 1000 gallons.

It is further ordered: That water shall be furnished for lawn and garden irrigation at rates not exceeding \$1.00 per 1000 gallons.

Further, the commission recommends that the present free rate to churches and schools up to 500 gallons per month, be continued.

It is further ordered: That the minimum monthly charges shall be: Commercial use, up to 430 gallons at \$1.50.

Domestic use, 1 and 2 room houses up to 385 gallons at \$1.25.

Domestic use, 3 and 4 room houses up to 615 gallons at \$2.00.

Domestic use, all other residences, up to 770 gallons at \$2.50.

It is further ordered: That the meter deposits shall be: For residences, \$5.00.

For commercial consumers, where bills are less than \$5.00, \$5.00.

For commercial consumers, where bills are more than \$5.00, \$10.00.

The above schedule does not cover mining and milling.

### JIMMIE WELCH AND KID MORGAN MEET TOMORROW

#### LOCAL LIGHTS WILL BOX TEN ROUNDS AT NEVADA THEATRE.

Jimmie Welch and Kid Morgan, local boxers, will meet tomorrow night at the Nevada theatre in a ten round boxing contest that gives promise of being one of the best matches ever staged in this city. Both boxers are working out every afternoon and are in good condition. Welch has appeared before in the Tonopah ring while this will be the first appearance of Morgan who is touted as being an extremely clever boxer.

Two rattling good preliminaries will precede the main event. Each of the initial bouts will be participated in by local boys and satisfaction is guaranteed to the fight fans. An exceptionally heavy ticket sale has been reported and indications point to a packed house. This will be the first boxing contest to be held in Tonopah for several months and it has been arranged in response to the insistent demand by the fans for excitement of this sort.

#### TEMPERATURE REPORT.

Highest temperature yesterday, 50; a year ago, 55.

Lowest, last night, 34; a year ago, 28.

### OLD CANDALERIA MINER IS CALLED TO LAST REWARD

#### JACK PUGH SUGGUMBS AFTER AN ILLNESS LASTING FOR SEVERAL MONTHS.

Jack Pugh, a pioneer of southern Nevada, who had worked in every camp in the south during the past 30 years, died in this city yesterday after a long illness. In November Pugh was taken ill with pneumonia and although medical attention was secured, the patient failed to respond. The deceased was aged 60 years and was a native of Racine, Wisconsin.

Pugh came to the old time camp of Candelaria in 1880, according to many of his old time friends now living in Tonopah. He worked in various mines in the old silver camp. Later he went to Virginia City and worked in that camp for a number of years. Always he drifted back to southern Nevada and arrived in Tonopah in about 1904. Frequently he took trips and had only returned to this camp less than a year ago. For a time he lived at Round Mountain.

Pugh was one of the real pioneers of the south and his passing is mourned by the small band whom he had known since his advent in this section thirty years ago. It is understood that he is survived by a few relatives, but their address is not known. The funeral will be held from the undertaking establishment of Wonaett and Cavanaugh Thursday afternoon.

### ED MALLEY TO MAKE RECORD RUN TO GOLDFIELD

#### MOTION PICTURES TO BE TAKEN WHEN START IS MADE AT TWO O'CLOCK TOMORROW.

Ed Malley in his new 40-h. p. Marmon car, will try for a new speed record between Tonopah and Goldfield tomorrow afternoon, starting from in front of the Mapha hotel at 2 o'clock sharp. Motion pictures will be taken by the Yale firm, which has been taking pictures of Tonopah and vicinity for the past six weeks. Pictures will also be taken of portions of the automobile course and the arrival of the car at its Goldfield destination.

The film will be produced throughout the world and in this connection it is urged that as many Tonopah people as possible be at the starting point to be included in the picture.

Malley has been appointed state agent for the Marmon car, which is specially adapted to desert roads. The car is of the fore-door design, is a self starter and is equipped with electric lights. It is a beauty and has attracted attention whenever it has appeared upon the streets under the guidance of the sheriff. On the recent trip from Reno to Tonopah Malley drove the car the entire distance, making the journey in one day. The machine behaved in an excellent manner during the journey and no trouble was experienced from the start.

### REPORT SHOWS BANK AFFAIRS IN FINE CONDITION

#### CASH RESERVE OF OVER 50 PER CENT IS CARRIED BY THE FIRST NATIONAL.

The Nevada First National bank shows a very prosperous condition in the report made today in compliance with the order of the comptroller of the U. S. treasury for all national banks to report their condition at the close of business for April 4. The report shows a cash reserve on hand of over 50 per cent while the deposits total \$444,510.88. The

### MOVING PICTURES TO SHOW REAL STAMPEDE

The last of the moving pictures of Tonopah will be taken at the T. & G. depot tomorrow morning at 9 o'clock. The scene will be a reproduction of the early day stampede into Tonopah and it has been requested that all of the old pioneers gather at the place designated to take part. The old stage coach has been resurrected and will be in use.

The pioneers and others who participate are requested to have blanket rolls, mining implements and the necessary outfits that usually go with a desert stampede. This portion of the affair will be staged by W. W. Booth.

### ANXIETY FELT AT CONDITION OF POPE PIUS

#### LATE DISPATCH SAYS PONTIFF SUFFERS SEVERE FAINTING FIT.

(By Associated Press)

ROME, April 9.—Official reports state the condition of the Pope has improved, but it is said in other quarters the patient is suffering and his difficulty is respiration, thirst and prostration. Professor Marchisava, the Mexican physician, assured the Associated Press that the Pontiff was suffering from a relapse of influenza, and declared the reports that he was afflicted with inflammation of the kidneys was unfounded. He said the present condition excludes danger unless complications intervene.

The Pope slept a short time this afternoon. When he awoke he took little notice of those around him. His temperature rose to ninety-nine. Has Severe Fainting Fit.

LONDON, April 9.—A central news despatch from Rome says the Pope suffered a fainting fit lasting two hours this afternoon. Prof. Marchisava continues to assert that there are no grounds for anxiety.

### BANK CARRIES CASH RESERVE OF 40 PER CENT

#### REPORT OF CONDITION SHOWS TONOPAH BANKING CORPORATION IN 'SPLENDID SHAPE.'

In this issue appears the report of the Tonopah Banking corporation in conformity with the call for the report of the condition at the close of business, April 4.

The showing made by this bank does credit to Tonopah and really marks an index to the condition and prosperity of the greatest mining camp in the country.

The Tonopah Banking corporation is carrying the large cash reserve of forty per cent. Its deposits amount to over \$600,000, and has cash on hand and in banks of over \$250,000.

A dividend was paid of \$6 per share in January and another of \$6 per share will be declared and paid this summer.

This bank has always been conducted upon safe and conservative lines, and its healthy and progressive condition reflects the confidence of the people of Tonopah.

#### MODESTO GOES WET AFTER 8 MONTHS DRY

(By Associated Press)  
MODESTO, Cal., April 9.—Modesto went wet yesterday by 43 majority, having become dry eight months ago by 40 votes. Saloons selling liquor across the bar must pay \$1600 a year license, against \$500 in San Francisco.

affairs of the bank are in splendid shape and the directors have announced themselves as greatly pleased with the progress of the institution. The condition of the bank reflects credit, not only to the officers and directors, but to the prosperous condition of southern Nevada and Tonopah in particular.

In another column will be found the condensed report of the conditions of the bank.

### GAMBLING OF EVERY FORM AND NATURE IS PROHIBITED, DECLARES ATTORNEY GENERAL THATCHER

Gambling of every form and nature is prohibited under the amended gambling law, according to the opinion of Attorney General Geo. B. Thatcher, which has been submitted to District Attorney Sanders at the latter's request. Thatcher declares that no loop hole has been left in the law and that playing for prizes, when the prize is two dollars in money, is also prohibited. The opinion in full is given herewith:

"Hon. J. A. Sanders, district attorney of Nye county, Nevada, Tonopah, Nevada.

"Dear Sir:—Replying to your request for an opinion from this office concerning the amendment to the anti-gambling law as passed at the recent session of the legislature, being an act entitled, 'An act to amend an act entitled, 'An act concerning crimes and punishments, and repealing certain acts relating thereto,' approved March 17, 1911, approved March 21, 1913, I have to advise that in my opinion this act in unequivocal terms absolutely prohibits all gambling of any character or nature.

"Section 253, as amended, now reads as follows:

"It shall be unlawful for any person to deal, play or carry on, open or conduct in any capacity whatever, any game of faro, monte, roulette, lansquet, rouge et noir, rondo, tan, fantan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, or any banking or percentage game played with cards, dice, or any device, for money, property, checks, credit, or any representative of value; or any gambling game in which any person keeping, conducting, managing or permitting the same to be carried on receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on or permitting the said game to be carried on; or to play, maintain or keep, any slot machine played for money or for checks or tokens redeemable in money, or to buy, sell, or deal in pools, or make books on horse races; and any person who violates any of the above provisions, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for a period of not less than one year nor more than five years. Every person who shall play at any game whatsoever, other than those hereinabove mentioned, for money, property or gain, with cards, dice or any other device which may be adapted to or used in playing any game of chance, or in which chance is a material element, or who shall bet or wager on the hands or cards or sides of such as do play as aforesaid, shall be deemed guilty of a misdemeanor; provided, however, that

nothing in this paragraph shall be construed as prohibiting social games played only for drinks and cigars served individually, or for prizes of a value not to exceed two dollars; nor in the slot machine for the sale of cigars and drinks, and no play back allowed."

"It is clear from the section that it was the intent of the legislature to prohibit absolutely the conduct or playing at any game of faro, monte, roulette, lansquet, rouge et noir, rondo, tan, fantan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, or any banking or percentage game played with cards, dice, or any device, for money, property, checks, credit, or any representative of value. The act also prohibits the conducting, managing or permitting any game, in which the owner or keeper of the game receives directly or indirectly any compensation or reward, or any percentage of the money or property played; and likewise prohibits the maintenance of any slot machine played for money or checks redeemable in money; and further prohibits the making of books or the sale and buying of pools on horse racing. The matters set forth in the first portion of Section 253, and which are prohibited thereby, are under the terms of the statute a felony. The second portion of the statute, commencing on line 21 of the printed bill and following thereafter, in my opinion absolutely prohibits the playing or carrying on any other gambling game; and in my opinion the proviso in the bill concerning social games played for drinks and cigars and for prizes not exceeding two dollars does not in any way effect the provision of the act, which prohibits and makes unlawful the carrying on of games not specifically mentioned in the act.

"I am further of the opinion that the word 'prizes' does not and is not intended to allow the playing of games for stakes of two dollars, and any person who should play for checks or other representatives of value of the sum of or less than two dollars which are redeemable in money or other property, will be guilty under the terms of said act. A prize is defined to be a premium offered to a successful player in a game or a competitor in a contest by persons other than such players or competitors, but when the stake is contributed by the participants alone and the contestant is to have the fund thus created, this constitutes gambling, and the playing at gambling games prohibited under the act.

"I, therefore, repeat that in my opinion all gambling of every kind and nature is prohibited.

"Respectfully submitted,

"GEO. B. THATCHER,

"Attorney General."

### PIONEER WOMAN OF NEVADA HAS CROSSED DIVIDE

Mrs. Bessie Bray, wife of W. I. Bray, after an illness of several months, died at the family home in this city at 12:20 o'clock last night. The deceased was taken ill about a year ago and was removed to Los Angeles, but several months spent in that locality failed to improve her health and she returned to this city.

The deceased was born in England and was aged 47 years. In 1875 she moved to Virginia City and resided in that place until 1905 when she was married to Mr. Bray. Shortly afterwards the couple moved to Tonopah and have since maintained their residence here. She is survived by her husband, also by her mother, Mrs. Ed Hancock of Dayton, Nevada; three sisters and four brothers. The last named relatives include Mrs. J. M. Davis of the Virginia Chronicle of Virginia City; Mrs. Manuel King of Silver City; Mrs. H. Fowler of Tonopah; Mrs. V. M. Clifton of Fallon; Ed Hancock of Virginia City; Crebo Hancock of Battle Mountain, and J. H. Hancock of Dayton. A son by a former marriage, Raymond M. Clay, also survives and resides in Reno.

Mrs. Bray was an honored member of Argenta chapter of the Order of Eastern Star of Virginia, and also of the Pythian Sister and Rebekahs of that order. She was a valued worker in the fraternal orders with which she was affiliated and her loss will be mourned by all with whom she came in contact. She was a woman charitably inclined and her life work

was the making of others happy. She was held in the highest esteem by friends and acquaintances and even during her long suffering endeavored to cheer the sorrowing relatives. Her place in this world will be missed. The sympathy of the public is extended to the sorrowing mourners.

The remains will be taken to Virginia City on the train tomorrow morning. Funeral services will be held at the residence by the members of the Eastern Star. The interment at Virginia City will be under the auspices of the O. E. S. of that city.

"It is clear from the section that it was the intent of the legislature to prohibit absolutely the conduct or playing at any game of faro, monte, roulette, lansquet, rouge et noir, rondo, tan, fantan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, or any banking or percentage game played with cards, dice, or any device, for money, property, checks, credit, or any representative of value. The act also prohibits the conducting, managing or permitting any game, in which the owner or keeper of the game receives directly or indirectly any compensation or reward, or any percentage of the money or property played; and likewise prohibits the maintenance of any slot machine played for money or checks redeemable in money; and further prohibits the making of books or the sale and buying of pools on horse racing. The matters set forth in the first portion of Section 253, and which are prohibited thereby, are under the terms of the statute a felony. The second portion of the statute, commencing on line 21 of the printed bill and following thereafter, in my opinion absolutely prohibits the playing or carrying on any other gambling game; and in my opinion the proviso in the bill concerning social games played for drinks and cigars and for prizes not exceeding two dollars does not in any way effect the provision of the act, which prohibits and makes unlawful the carrying on of games not specifically mentioned in the act.

"I am further of the opinion that the word 'prizes' does not and is not intended to allow the playing of games for stakes of two dollars, and any person who should play for checks or other representatives of value of the sum of or less than two dollars which are redeemable in money or other property, will be guilty under the terms of said act. A prize is defined to be a premium offered to a successful player in a game or a competitor in a contest by persons other than such players or competitors, but when the stake is contributed by the participants alone and the contestant is to have the fund thus created, this constitutes gambling, and the playing at gambling games prohibited under the act.

"I, therefore, repeat that in my opinion all gambling of every kind and nature is prohibited.

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### COURT SUBMITS RULING ON MOTION OF INJUNCTION

Judge Averill in the district court last evening slightly modified the injunction in the case of S. H. Brady versus the Manhattan Amalgamated Mining company. The modification does not change the injunction regarding the working of the property, but merely touches upon funds upon deposit in the bank. A sum amounting to \$1000 is in the bank, and the ruling of the court permits the defendant company to withdraw \$500 and the balance to be secured after the filing of a bond for \$1000.

In accordance with the ruling the plaintiff is also required to file a bond for \$5000 pending the hearing of the case.

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